

DEPOSITION OF CHARLEEN TIE

CONFIDENTIAL -- ATTORNEYS' EYES ONLY

Thursday, May 1, 2025

APPEARING REMOTELY FROM HUNTINGTON BEACH, CALIFORNIA

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STENOGRAPHICALLY REPORTED BY:

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CA CSR No. 14373

Job No.: 982543

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09:24:57 1 disappearing; right?

09:24:58 2 A. Yeah. I don't use Teams chats for going

09:25:02 3 back, typically. I use them administratively for

09:25:05 4 quick questions, just trying to get something

09:25:07 5 answered to move my work forward. It is really just

09:25:11 6 a tool that I use in that way. Sometimes I, you

09:25:16 7 know, might comment or ask a question of someone.

09:25:20 8 So I don't typically go back to Teams chats.

09:25:23 9 Q. You never go back and review old Teams

09:25:25 10 chats?

09:25:27 11 MR. BATTER: Objection.

09:25:28 12 THE WITNESS: I didn't say never. I said I

09:25:29 13 typically do not go back to Teams chats. That's

09:25:34 14 not --

09:25:34 15 BY MR. HANEY:

09:25:34 16 Q. Is that because -- is that because until

09:25:36 17 recently it was your understanding that Teams chats

09:25:38 18 would be deleted after 24 hours?

09:25:40 19 A. It's because it is my practice in the way

09:25:44 20 that I do the work that I do. I don't need to

09:25:48 21 typically go back to Teams chats for information. I

09:25:51 22 get a quick answer to a question, and I move forward

09:25:53 23 with the work that I have to do. It is

09:25:55 24 administrative for me.

09:25:57 25 Q. Okay. Well, you testified that generally

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09:26:00 1 it is your understanding that Teams chats

09:26:03 2 disappeared after 24 hours; right?

09:26:06 3 A. In the beginning, when we rolled out Teams,

09:26:09 4 I was a part of the Teams initiative. And it was my

09:26:14 5 understanding that, at that time when we rolled it

09:26:17 6 out, that chats would disappear in 24 hours.

09:26:22 7 Q. And at some point there was a change and

09:26:28 8 chats started to be retained; is that right?

09:26:30 9 A. There was a change in which our legal

09:26:36 10 counsel met with us specifically to talk to us.

09:26:40 11 MR. BATTER: I will just pause there to make an

09:26:42 12 objection. Don't disclose any communications you've

09:26:44 13 had with Nektar counsel. If you're aware of the

09:26:47 14 change in Teams chats, of course you can give that,

09:26:51 15 but not any communications with in-house or outside

09:26:54 16 attorneys.

09:26:55 17 THE WITNESS: Thanks, Kyle.

09:26:56 18 BY MR. HANEY:

09:26:57 19 Q. So if I'm hearing you right, you met with

09:26:59 20 counsel and they informed you that Teams chats after

09:27:02 21 that point would be retained longer than 24 hours;

09:27:06 22 is that right?

09:27:07 23 MR. BATTER: Object. I instruct the witness not

09:27:10 24 to reveal attorney-client communications.

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09:27:12 1 BY MR. HANEY:

09:27:12 2 Q. When was the meeting with counsel?

09:27:15 3 A. We had a team meeting after the

09:27:20 4 announcement of the lawsuit where our counsel

09:27:25 5 specifically instructed not to discuss -- either the

09:27:33 6 Lilly lawsuit, the Lilly work, anything about -- or

09:27:36 7 discuss in writing or communicate about what was

09:27:41 8 going on related to those items. And if we had any

09:27:45 9 questions, we should specifically talk to Mark

09:27:47 10 Wilson, our attorney, about that.

09:27:49 11 Q. When you say you had a meeting with

09:27:52 12 counsel, you mean you had a meeting with Mark

09:27:54 13 Wilson?

09:27:54 14 A. No. We had a team meeting and Mark Wilson

09:28:00 15 was there.

09:28:00 16 Q. You said counsel. Was there anyone besides

09:28:03 17 Mark Wilson that was there?

09:28:04 18 A. No. I just used that term to refer to Mark

09:28:07 19 Wilson.

09:28:07 20 Q. Got it. You said that that meeting

09:28:09 21 occurred sometime after the lawsuit was filed?

09:28:12 22 A. It was on -- it was early August.

09:28:15 23 Q. And after you had -- and after you had that

09:28:21 24 meeting in early August, your Teams chats stopped

09:28:25 25 disappearing after 24 hours.

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09:28:27 1 Is that your testimony?

09:28:27 2 A. That's not what I said. I just said that

09:28:33 3 Mark Wilson instructed us not to discuss it, not to

09:28:38 4 talk about it, in any way, shape, or form. That was

09:28:42 5 not appropriate for us to be doing. But if we had

09:28:44 6 questions specifically related to it, anything about

09:28:47 7 it, that we could contact him directly.

09:28:50 8 Q. Okay. Well, regardless of what you did or

09:28:53 9 did not talk about using Teams chats, after the

09:28:57 10 meeting with Mr. Wilson, did your Teams chats stop

09:29:01 11 disappearing after 24 hours?

09:29:03 12 A. I believe they did. I can't recall.

09:29:08 13 Q. Okay. So as of August 2023, your Teams

09:29:13 14 chats stopped disappearing after 24 hours; is that

09:29:15 15 right?

09:29:17 16 MR. BATTER: Objection.

09:29:19 17 THE WITNESS: I believe they did sometime around

09:29:23 18 there. I don't know the exact date.

09:29:25 19 BY MR. HANEY:

09:29:25 20 Q. So today, if I were to ask you to open up

09:29:28 21 Teams, you could go and look at chats from, say,

09:29:31 22 October of 2023?

09:29:32 23 A. I don't know. I'd have to look to see what

09:29:37 24 was actually there. I don't know what disappeared

09:29:40 25 and what didn't.

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09:29:40 1 Q. Did IT ever send you any guidance about
09:29:44 2 retaining Teams chats?

09:29:46 3 MR. BATTER: Objection.

09:29:47 4 THE WITNESS: No. I don't recall specific
09:29:51 5 guidance from IT, but we had guidance not to destroy
09:29:58 6 any information related to Lilly, the Lilly lawsuit,
09:30:07 7 Lilly communications. We don't destroy anything.

09:30:14 8 BY MR. HANEY:

09:30:14 9 Q. Okay. So we will talk about document
09:30:16 10 preservation in a bit. What I am trying to just
09:30:17 11 focus on is when your Teams messages stopped
09:30:20 12 disappearing after 24 hours.

09:30:21 13 A. I think it would be best to ask, you know,
09:30:23 14 IT. They are responsible for when they do that in
09:30:26 15 the system. I -- I don't have an exact date of when
09:30:35 16 my first chat disappeared.

09:30:36 17 Q. Okay. So you never changed any settings
09:30:39 18 regarding chat retention; correct?

09:30:41 19 A. No.

09:30:44 20 Q. IT would have been the ones to make any
09:30:47 21 adjustments to the chat retention function?

09:30:49 22 MR. BATTER: Objection.

09:30:50 23 THE WITNESS: IT is responsible for the
09:30:54 24 implementation of our technology. It is not my role
09:30:57 25 or responsibility.

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09:40:13 1 Teams you can make group messages, right, to chat
09:40:19 2 with multiple people?

09:40:20 3 MR. BATTER: Objection.

09:40:20 4 THE WITNESS: Are you talking about chats now?

09:40:24 5 BY MR. HANEY:

09:40:24 6 Q. Yeah. I'm sorry. I think that was the
09:40:26 7 confusion. I'm not talking about a document
09:40:29 8 uploading anymore. When I asked you about Teams
09:40:31 9 channels, I was thinking of the chat function.

09:40:33 10 A. I see.

09:40:35 11 Q. So with that understanding, what is a Teams
09:40:43 12 channel as it relates to the chat function?

09:40:46 13 A. Well, the chat function allows you to
09:40:55 14 communicate, so, right? Whatever you want to ask or
09:40:59 15 request or check in with someone on, you can do that
09:41:04 16 related to a certain team that you're on. And then
09:41:08 17 everyone would receive that message that you
09:41:12 18 intended.

09:41:14 19 Or, if you're in a team meeting, you may also
09:41:19 20 use the chat function to say, "good job," you know,
09:41:25 21 "the team's doing great," "happy birthday," "are we
09:41:29 22 going to get to this on the agenda?" Those are the
09:41:32 23 types of things that you would use the chat function
09:41:37 24 for when you're in a meeting.

09:41:38 25 Q. Okay. So maybe if I phrase it this way:

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10:31:54 1 hold required you to preserve instant messages that
10:31:57 2 are potentially relevant to a dispute with Lilly;
10:31:59 3 correct?

10:32:01 4 MR. BATTER: Objection.

10:32:02 5 THE WITNESS: This document says to preserve
10:32:07 6 potentially relevant information, all documents
10:32:11 7 relating to the dispute. That includes instant
10:32:17 8 messages.

10:32:18 9 BY MR. HANEY:

10:32:18 10 Q. And you did, in fact, preserve instant
10:32:21 11 messages potentially relevant to the dispute with
10:32:24 12 Lilly; is that right?

10:32:25 13 A. To the best of my ability, I preserved all
10:32:32 14 of the potentially relevant information.

10:32:35 15 Q. I would like to also direct your attention
10:32:40 16 to the paragraph above the bullet points.

10:32:44 17 Do you see that?

10:32:49 18 Oh, can you scroll down, Robert?

10:32:57 19 The June 30, 2023, litigation hold also
10:33:01 20 specifically instructed you to interpret broadly
10:33:04 21 documents that may relate to the dispute; correct?

10:33:08 22 MR. BATTER: Objection.

10:33:09 23 THE WITNESS: Yeah. It says "You should
10:33:17 24 interpret equally broadly the documents."

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10:33:20 1 BY MR. HANEY:

10:33:21 2 Q. And the June 30, 2023, notice instructed
10:33:22 3 you to preserve documents whether internal or
10:33:26 4 external, didn't it?

10:33:27 5 A. I don't know. Can we go back up to the
10:33:31 6 wording?

10:33:33 7 Q. It is the last line in the paragraph above
10:33:35 8 the three bullets.

10:33:37 9 A. Whether internal or external. It states
10:33:48 10 "whether internal or external."

10:33:51 11 Q. And you understood, then, that this
10:33:54 12 litigation hold obligated you to retain internal
10:33:57 13 messages between Nektar employees sent using
10:34:00 14 Microsoft teams; correct?

10:34:02 15 MR. BATTER: Objection.

10:34:03 16 THE WITNESS: It encompassed, like you said, all
10:34:13 17 documents.

10:34:14 18 BY MR. HANEY:

10:34:20 19 Q. All documents would include internal Teams
10:34:23 20 messages; correct?

10:34:25 21 MR. BATTER: Objection.

10:34:26 22 THE WITNESS: Well, internal Teams messages are
10:34:35 23 administrative messages, often to just ask a
10:34:39 24 question or let somebody know you're running late,
10:34:46 25 those types of things.

10:45:36 1 A. The work that I do I preserve relevant
10:45:42 2 documents. So that's just part of our standard
10:45:47 3 practice to do that, and to save documents and save
10:45:50 4 emails. So that was my practice, was not to delete
10:45:58 5 items related to anything that I thought was
10:46:04 6 relevant to this activity.

10:46:06 7 Q. Besides saving documents and emails, did
10:46:11 8 you take any other steps to ensure that you complied
10:46:13 9 with the June 30, 2023, document preservation
10:46:22 10 notice?

10:46:22 11 A. Well, really the -- the documents that I --
10:46:30 12 I primarily were responsible for overseeing were the
10:46:34 13 documents that we received from Lilly for the trial
10:46:37 14 master files. And what we did with those were -- we
10:46:42 15 put them in a secure location to keep them, you
10:46:49 16 know, in a file structure where they were accessible
10:46:54 17 only, you know, by limited people. So we retained
10:46:58 18 all of the documents we received there. That was
10:47:02 19 the step.

10:47:03 20 Q. Besides retaining documents that you
10:47:07 21 received and placing them in a secure location, did
10:47:11 22 you take any other steps to ensure you complied with
10:47:14 23 the June 30, 2023, preservation order?

10:47:19 24 MR. BATTER: Objection.

10:47:21 25 THE WITNESS: Well, as part of my work, my

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10:47:27 1 documents and my emails are typically retained, and

10:47:31 2 anything that's relevant for the conduct of a trial

10:47:35 3 would be saved.

10:47:37 4 BY MR. HANEY:

10:47:40 5 Q. Besides the document preservation tactics

10:47:43 6 that you employ as part of your normal scope of

10:47:47 7 work, did you take any additional steps to ensure

10:47:49 8 you preserved relevant material as per the June 30,

10:47:54 9 2023, document preservation notice?

10:47:58 10 MR. BATTER: Objection.

10:48:01 11 THE WITNESS: The relevant material that I

10:48:04 12 typically came into contact with were, you know,

10:48:08 13 primarily these documents that we received from

10:48:11 14 Lilly. And so that was a big part of my role, is

10:48:17 15 overseeing that. And then, you know, anything that

10:48:23 16 would be in an email, would be in my email, that

10:48:28 17 would be preserved related to that. Those are the

10:48:30 18 primary areas that I recall, sitting here today,

10:48:33 19 where I may come into contact with these documents.

10:48:37 20 BY MR. HANEY:

10:48:39 21 Q. So beyond preserving your email and saving

10:48:41 22 key documents received from Lilly, did you do

10:48:44 23 anything else to ensure you complied with the

10:48:47 24 June 30, 2023, preservation order?

10:48:50 25 MR. BATTER: Objection.

10:48:51 1 THE WITNESS: I did what I thought was the right
10:48:56 2 thing to do in practice, which was save relevant
10:48:59 3 documents.

10:49:00 4 BY MR. HANEY:

10:49:01 5 Q. And beyond saving relevant documents, you
10:49:03 6 didn't take any other steps; right?

10:49:06 7 MR. BATTER: Objection.

10:49:07 8 THE WITNESS: Not sure what you mean by "any
10:49:10 9 other steps." Could you clarify?

10:49:13 10 BY MR. HANEY:

10:49:14 11 Q. I just want to know if there's anything
10:49:17 12 else you did.

10:49:18 13 MR. BATTER: Objection.

10:49:18 14 THE WITNESS: I just -- I just did my job. I
10:49:21 15 carried out my responsibilities and all of the
10:49:26 16 instructions to the best of my ability.

10:49:31 17 BY MR. HANEY:

10:49:31 18 Q. Did you save Teams chats?

10:49:32 19 A. I don't know how to save Teams chats.

10:49:44 20 Q. So you did not save Teams chats?

10:49:46 21 A. No. I don't recall doing that. I don't
10:49:49 22 know how to do that.

10:49:49 23 Q. You never changed the settings of your
10:49:52 24 Teams app; right?

10:49:53 25 A. As we discussed earlier, no. I don't know

10:54:01 1 use Teams chats to discuss the lawsuit or anything
10:54:04 2 related?

10:54:07 3 A. Again, it is not appropriate for me in my
10:54:11 4 role to even consider discussing the lawsuit in any
10:54:13 5 form, therefore, I didn't.

10:54:19 6 Q. So you have never used Teams chats to
10:54:20 7 discuss the lawsuit or anything even tangentially
10:54:23 8 related?

10:54:24 9 A. I don't recall doing that. It wouldn't be
10:54:29 10 appropriate.

10:54:30 11 Q. Did you receive an oral instruction from
10:54:35 12 Mark Wilson on the use of Teams chats?

10:54:40 13 A. At what time point are you talking about?

10:54:44 14 Q. After receiving the June 30, 2023,
10:54:46 15 preservation notice, did you receive an oral
10:54:50 16 instruction from Mark Wilson about the appropriate
10:54:53 17 use of Teams chats?

10:54:55 18 A. What the team received was oral instruction
10:55:01 19 from Mark Wilson in early August that it was not
10:55:07 20 appropriate for us to be discussing anything about
10:55:09 21 the lawsuit, Lilly, their work in any form. And,
10:55:15 22 therefore, I did not.

10:55:20 23 Q. And you say "what the team received."

10:55:28 24 MR. BATTER: Objection.

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10:56:37 1 THE WITNESS: I don't recall exactly how much
10:56:41 2 time it was.

10:56:42 3 BY MR. HANEY:

10:56:46 4 Q. And what exactly did Mr. Wilson instruct of
10:56:50 5 you at this team meeting?

10:56:54 6 MR. BATTER: Objection.

10:56:54 7 THE WITNESS: Well, what I recall is he
10:56:58 8 instructed us that it was not appropriate to discuss
10:57:05 9 the Lilly lawsuit, the Lilly work, in any form,
10:57:17 10 whether it is email or verbally, with each other,
10:57:19 11 with anyone, that what was appropriate is, if we had
10:57:26 12 any questions, even general questions, that they
10:57:28 13 should be directly related to him.

10:57:32 14 BY MR. HANEY:

10:57:33 15 Q. So Mr. Wilson instructed the Nektar team
10:57:38 16 that it was inappropriate to discuss the Lilly
10:57:41 17 lawsuit at all, not just on Teams?

10:57:45 18 A. The Lilly relationship, the Lilly lawsuit,
10:57:55 19 we were not to discuss anything related to that, but
10:57:56 20 that was not appropriate, and that if we had
10:57:58 21 questions, we should address them to him.

10:58:01 22 Q. So when you left the meeting with Mark
10:58:06 23 Wilson, was it your understanding that you couldn't
10:58:11 24 use Teams chats to discuss REZPEG's Phase 2 atopic
10:58:17 25 dermatitis development?

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10:58:19 1 A. My understanding is that I can use Teams
10:58:23 2 chats to do the work that I have to do, but I don't
10:58:34 3 do any substantive work in Teams chats. I might ask
10:58:38 4 a question or things of that nature. But that's --

10:58:40 5 Q. You might -- apologies.

10:58:40 6 (Discussion held off the record.)

10:59:20 7 BY MR. HANEY:

10:59:20 8 Q. So I want to unpack what you said a little
10:59:22 9 bit. You had said that it was -- your understanding
10:59:25 10 is Mark Wilson told you it was not appropriate to
10:59:28 11 discuss the Lilly lawsuit; right?

10:59:30 12 A. He said we should not be discussing the

10:59:35 13 Lilly relationship, the Lilly lawsuit, any work
10:59:37 14 related to Lilly, with each other, with anyone, if
10:59:41 15 we had questions, typically we would come to him.

10:59:45 16 Q. What is your understanding of what would
10:59:50 17 fall under the umbrella of the Lilly work?

10:59:53 18 A. I think it's the work related to the
11:00:05 19 conduct of the actual trials they conducted.

11:00:10 20 Q. So you were instructed not to discuss any
11:00:13 21 of the trials that were predominantly run by Lilly;
11:00:20 22 is that right?

11:00:22 23 MR. BATTER: Objection.

11:00:24 24 THE WITNESS: No, that's not what I meant. I
11:00:26 25 think any -- any of the work where there was

11:01:49 1 making sure that the CSRs were written, and that's
11:01:56 2 my Lilly-related work for me.

11:01:58 3 Q. Well, you said that there were
11:02:05 4 discrepancies in Lilly's work.

11:02:11 5 What did you mean by "discrepancies"?

11:02:14 6 MR. BATTER: Objection.

11:02:15 7 THE WITNESS: I think if there's disagreement in
11:02:17 8 the results, that's an area that I am not an expert
11:02:21 9 in, and nor is it appropriate for me to discuss
11:02:24 10 disagreement in any discrepancies at the results.

11:02:29 11 BY MR. HANEY:

11:02:30 12 Q. So Mark Wilson instructed you not to
11:02:35 13 discuss any results of Lilly trials where you
11:02:38 14 disagreed with the outcome; is that right?

11:02:42 15 MR. BATTER: Objection.

11:02:42 16 THE WITNESS: I think I told you a couple times
11:02:44 17 already what Mark Wilson told us, and he was very
11:02:46 18 clear that we should not be discussing the Lilly
11:02:51 19 lawsuit, the Lilly work, and the Lilly relationship.
11:02:59 20 That was not something that was appropriate for me
11:03:01 21 or other team members to be discussing, and that was
11:03:04 22 in his purview, and if we had questions to speak to
11:03:08 23 him about it.

11:03:08 24 BY MR. HANEY:

11:03:09 25 Q. Right. So what I'm trying to understand is

11:06:45 1 operational. They are related, as I said, really
11:06:48 2 procedural related to making sure we got the
11:06:52 3 documents in, related to the Lilly documents and
11:06:56 4 making sure that the Lilly CSRs that had
11:06:59 5 transitioned to Nektar were then updated and then
11:07:05 6 finalized and published and then distributed. That
11:07:09 7 was my work that had to be done according to
11:07:13 8 requirements. You cannot not do that work, and it
11:07:19 9 is a very clear and straightforward work to do.

11:07:21 10 BY MR. HANEY:

11:07:22 11 Q. Right. And what I'm asking is Mark
11:07:23 12 Wilson's instruction to the Nektar team did not in
11:07:28 13 any way inhibit you from doing your core job as it
11:07:32 14 pertains to REZPEG's development; right?

11:07:38 15 MR. BATTER: Objection.

11:07:38 16 THE WITNESS: Mark Wilson's instructions to me
11:07:41 17 to not discuss the Lilly work, the Lilly lawsuit, or
11:07:46 18 the Lilly relationship were very clear, and I
11:07:50 19 followed those instructions.

11:07:53 20 In addition to that, I did my job, which was as
11:07:59 21 I've explained it to you already.

11:08:00 22 BY MR. HANEY:

11:08:01 23 Q. So Mark Wilson's oral instruction left room
11:08:06 24 for you to perform your core job responsibilities as
11:08:09 25 they relate to REZPEG's development; right?

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11:10:51 1 have to carry out according to the regulations and
11:10:54 2 how we perform duties and clinical development
11:10:57 3 operations.

11:10:59 4 BY MR. HANEY:

11:10:59 5 Q. I think we're talking past each other.

11:11:01 6 So Mark Wilson specifically instructed you and
11:11:05 7 the Nektar team that it was inappropriate to discuss
11:11:09 8 the Lilly relationship, the Lilly lawsuit, and the
11:11:11 9 Lilly work; correct?

11:11:12 10 A. That we should not do that, that's correct,
11:11:15 11 and that if we had questions, we should come to him.

11:11:20 12 Q. And your understanding of that warning
11:11:23 13 meant that you were able to carry out all of the
11:11:25 14 functions of your job responsibility without
11:11:29 15 encroaching on or discussing the Lilly lawsuit, the
11:11:32 16 Lilly work, or the Lilly relationship; right?

11:11:37 17 MR. BATTER: Objection.

11:11:38 18 THE WITNESS: My understanding of that directive
11:11:43 19 was that I should comply with that directive because
11:11:46 20 that was the appropriate thing to do.

11:11:49 21 BY MR. HANEY:

11:11:49 22 Q. And you were able to comply with Mark
11:11:51 23 Wilson's directive without in any way having to
11:11:59 24 shift the way you perform your normal, everyday job;
11:12:03 25 correct?

11:13:23 1 BY MR. HANEY:

11:13:23 2 Q. Right. So I think I'm asking a much
11:13:26 3 simpler question.

11:13:31 4 Mark Wilson's directive, you perceived that as
11:13:36 5 being unrelated to your core job responsibilities;
11:13:40 6 right?

11:13:40 7 MR. BATTER: Objection.

11:13:41 8 THE WITNESS: I took Mark Wilson's directive as
11:13:45 9 what I needed to do as a responsible team member and
11:13:49 10 leader within Nektar clinical development
11:13:55 11 operations. So I did that. I followed his
11:14:00 12 directive.

11:14:00 13 BY MR. HANEY:

11:14:00 14 Q. And I think you said earlier you were able
11:14:02 15 to follow his directive and still do your job;
11:14:05 16 correct?

11:14:06 17 A. I have to do my job regardless of his
11:14:11 18 directive. I have a big responsibility at Nektar.
11:14:13 19 So I do my job.

11:14:15 20 Q. You just said you have to do your job
11:14:20 21 regardless of Mark's directive.

11:14:22 22 If your job responsibilities required you to
11:14:23 23 ignore Mark's directive, would you do so?

11:14:30 24 MR. BATTER: Objection.

11:14:31 25 THE WITNESS: Yeah. Let me restate that.

11:14:33 1 My job continues every single day at Nektar in
11:14:36 2 the world of clinical trial operations. Someone
11:14:38 3 needs to run clinical trial operations. And that's
11:14:40 4 what I do. That's ongoing. It is an everyday
11:14:44 5 thing. It doesn't stop.

11:14:45 6 And Mark's directive of what we should do with
11:14:49 7 respect to Eli Lilly and the lawsuit and the work
11:14:53 8 that they do and that they did and the relationship
11:14:58 9 is outside of our scope. It is not within our scope
11:15:02 10 to be discussing that. And that is what he asked us
11:15:06 11 to do, was to not discuss it, not write about it,
11:15:09 12 and come to him with questions, and that is related
11:15:12 13 to those topics.

11:15:28 14 MR. HANEY: Got it.

11:15:30 15 Robert, can you please publish -- let's see
11:15:33 16 here -- tab 8 for me.

11:15:38 17 (Exhibit 1414 was marked for
11:15:48 18 identification.)

11:15:48 19 MR. HANEY: For the record, we will be marking
11:15:51 20 tab 8 as Exhibit 1414. All right. Thank you.

11:16:29 21 BY MR. HANEY:

11:16:29 22 Q. Can you see that okay, Ms. Jue?

11:16:37 23 A. I can see it. It's a little blurry. Can
11:16:39 24 you make it a little bit bigger, possibly? Thank
11:16:44 25 you.

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11:48:43 1 MR. HANEY: Kyle, you will be delighted to know
11:48:46 2 that I have no more questions.

11:48:46 3 MR. BATTER: Okay. Great. Thank you. I
11:48:47 4 appreciate that, Landen. Since we just took a
11:48:48 5 break, I can go straight into my direct exam.

11:48:56 6 CROSS-EXAMINATION

11:48:56 7 BY MR. BATTER:

11:48:57 8 Q. Thank you, Charleen, for being with us
11:48:59 9 today. We do appreciate your time.

11:49:00 10 Charleen, do you prefer I call you Ms. Jue or
11:49:05 11 Charleen? I know informally I have been referring
11:49:06 12 to you as Charleen. I want to be respectful.

11:49:09 13 A. Charleen is great. Thanks.

11:49:10 14 Q. So, as you testified during your questions
11:49:11 15 with Lilly's counsel, you have these Microsoft Teams
11:49:14 16 chats?

11:49:14 17 A. Yes, that's correct.

11:49:15 18 Q. What do you typically send chats for?

11:49:18 19 A. Typically, I use chats administratively to
11:49:27 20 ask if someone is coming to a meeting or to get a
11:49:29 21 meeting scheduled and to move my work forward. In a
11:49:39 22 Teams setting, I might ask a question in a team
11:49:47 23 meeting or say I have to leave early to a meeting.

11:49:50 24 That's typically what my practice is.

11:49:51 25 Q. Can you give me some examples of what you

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11:50:01 1 might chat?

11:50:02 2 A. Just yesterday we celebrated a 16-year

11:50:05 3 celebration for an employee. We write

11:50:07 4 congratulations, great job, we're so proud of you,

11:50:10 5 different things like that. If the team is

11:50:12 6 presenting or doing a really good job or making good

11:50:16 7 progress, we try to put positive things in the chat

11:50:18 8 during a meeting.

11:50:19 9 But administratively, I would chat with my admin

11:50:25 10 and asking if she can set up a meeting for me. Or

11:50:29 11 if someone is coming to a meeting, if someone is

11:50:32 12 late, or if I'm late, I will let people know if

11:50:35 13 they're in a meeting already. Those are the typical

11:50:38 14 types of things that I do.

11:50:39 15 Q. So you might chat "I am running late," for

11:50:42 16 instance?

11:50:42 17 A. Correct.

11:50:43 18 Q. Or "Can we meet today?"

11:50:45 19 A. Yes.

11:50:47 20 Q. What about when you're looking for certain

11:50:49 21 documents, is that the topic you cover in chats?

11:50:52 22 A. Yes. I've asked for help sometimes. When

11:50:56 23 I can't find a document, I will ask for the location

11:51:00 24 of a document and ask someone to help me provide

11:51:05 25 that location.

11:51:06 1 Q. And what about chats that you received from
11:51:09 2 other people? Do they tend to be of the same nature
11:51:12 3 of the chats that you send?

11:51:14 4 A. I think, in general, yes. You know, we're
11:51:17 5 working to progress our work forward, and so just
11:51:23 6 really asking simple, straightforward questions and
11:51:27 7 more administrative tasks in general.

11:51:29 8 Q. So typically procedural and administrative?

11:51:31 9 A. Yes, that's correct.

11:51:32 10 Q. Now, earlier you testified your
11:51:34 11 understanding that Teams chats are currently being
11:51:37 12 retained at Nektar.

11:51:40 13 Do you recall saying that?

11:51:41 14 A. I do.

11:51:42 15 Q. You don't know when Nektar changed its
11:51:44 16 Teams chats retention policy?

11:51:50 17 A. I don't know the date.

11:51:51 18 Q. And your testimony that it happened after
11:51:53 19 the August 2023 meeting wasn't intending to suggest
11:51:58 20 that the retention period changed immediately after
11:52:00 21 that meeting?

11:52:03 22 A. I'm sorry, Kyle. Can you say that again.

11:52:06 23 MR. HANEY: Object to form.

11:52:07 24 BY MR. BATTER:

11:52:07 25 Q. Your testimony that the Nektar changed its

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11:53:08 1 Q. And does the fact that, at least for that
11:53:11 2 time period, they were only maintained for 24 hours,
11:53:14 3 did that change or impact the way in which you would
11:53:18 4 chat?

11:53:19 5 MR. HANEY: Object to form.

11:53:20 6 THE WITNESS: No, because I typically use chats
11:53:25 7 for administrative-type communication. So my
11:53:32 8 practice hasn't changed.

11:53:33 9 BY MR. BATTER:

11:53:36 10 Q. If you're not using Teams chats, then, for
11:53:39 11 the core functions of your work, what applications
11:53:41 12 or tools or software do you use for the core
11:53:45 13 functions of your work?

11:53:48 14 MR. HANEY: Object to form.

11:53:49 15 THE WITNESS: For the core functions of my work,
11:53:51 16 it's primarily email and documents that we would
11:53:58 17 attach in email, such as PowerPoint presentations or
11:54:03 18 Word documents, sometimes Excel.

11:54:06 19 BY MR. BATTER:

11:54:07 20 Q. And is it your understanding that emails
11:54:10 21 and the types of documents you just described are
11:54:12 22 preserved at Nektar forever?

11:54:14 23 A. Yes.

11:54:16 24 Q. Is it important to you that the work you
11:54:19 25 perform at Nektar is preserved?

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11:54:22 1 A. Absolutely. I live in a very regulated
11:54:27 2 role at Nektar, and we are required to be able to
11:54:32 3 re-create a study from the ground up and all of the
11:54:37 4 things we did to conduct this study and to be
11:54:42 5 inspection ready. So it is important that we retain
11:54:45 6 all of the relevant documents.

11:54:48 7 Q. You're aware that after Lilly terminated
11:54:51 8 the parties' collaboration agreement, Lilly was
11:54:54 9 supposed to return to Nektar materials related to
11:54:57 10 REZPEG development?

11:54:58 11 A. Yes.

11:55:00 12 Q. And did you have a role in that?

11:55:02 13 A. I did. I oversaw or managed two of the key
11:55:10 14 people that were responsible for receiving documents
11:55:16 15 and then placing the document into the TMF file
11:55:20 16 structure and then working on the QC of the
11:55:27 17 documents that we received, or to make sure we had
11:55:31 18 complete TMF files so that we could, in fact, write
11:55:35 19 or update the CSR work that we had received.

11:55:39 20 Q. As part of that process, did you
11:55:42 21 periodically have procedural questions or comments
11:55:45 22 about where documents might reside or how they were
11:55:48 23 organized?

11:55:49 24 A. I did. I did have questions.

11:55:53 25 Q. Other than regarding the procedural and

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11:55:56 1 administrative issues about those documents, after
11:56:02 2 Lilly terminated the parties' collaboration
11:56:04 3 agreement, have you used Teams chats to communicate
11:56:08 4 about the collaboration agreement between the
11:56:10 5 parties?

11:56:10 6 A. No.

11:56:11 7 Q. After Lilly terminated the collaboration
11:56:14 8 agreement, have you used Teams chats to comment
11:56:16 9 about the work that Lilly performed under the
11:56:19 10 agreement?

11:56:20 11 A. No.

11:56:22 12 Q. And then after Nektar sued Lilly several
11:56:25 13 months later in August 2023, have you used Teams
11:56:29 14 chats to communicate about the lawsuit, the
11:56:31 15 allegations in the lawsuit, the claims at issue?

11:56:36 16 MR. HANEY: Object to form.

11:56:40 17 BY MR. BATTER:

11:56:40 18 Q. What was your answer, Ms. Jue?

11:56:42 19 A. No, I did not.

11:56:43 20 Q. Why is it that you're not using Teams chats
11:56:49 21 to discuss these topics?

11:56:50 22 A. Specifically because we were instructed by
11:56:52 23 Mark Wilson back in August 2023 not to discuss the
11:56:57 24 lawsuit, the work Lilly did, the relationship, in
11:57:02 25 any form, just Teams chats, emails, or verbal

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11:57:06 1 communication, and that if we had questions, we
11:57:08 2 needed to address them to him.

11:57:10 3 Q. Earlier you testified about the document
11:57:15 4 preservation notice you signed.

11:57:17 5 Do you recall that testimony?

11:57:18 6 A. I do.

11:57:20 7 Q. And you recalled that the preservation
11:57:24 8 notice referred to documents, quote, "relating to
11:57:26 9 the dispute with Lilly"?

11:57:28 10 A. Yes. I remember that.

11:57:30 11 Q. Do your Team chats, quote, "relate to the
11:57:34 12 dispute with Lilly"?

11:57:36 13 A. Absolutely not.

11:57:38 14 Q. Did you comply with the document
11:57:41 15 preservation notice by not deleting materials
11:57:44 16 relating to Nektar dispute with Lilly?

11:57:50 17 A. I did.

11:57:50 18 Q. You mentioned that Mr. Wilson gave an
11:58:02 19 instruction regarding it proper use of Teams chats
11:58:03 20 and other communication pertaining to Lilly and the
11:58:08 21 lawsuit.

11:58:09 22 Is that a fair characterization?

11:58:10 23 A. Yes.

11:58:12 24 Q. Did you abide by Mr. Wilson's instruction?

11:58:15 25 A. I did.

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12:01:59 1 Q. To best of your recollection, do you recall
12:02:01 2 deleting any documents related to Lilly at all
12:02:09 3 whether or not related to the dispute?

12:02:10 4 A. No. I don't recall deleting any documents.
12:02:12 5 That wouldn't be my typical practice. And the
12:02:14 6 documents that we received for Lilly for the work
12:02:19 7 that I do all went on a shared -- a space, a TMF
12:02:24 8 file structure where they are kept and stored there.

12:02:28 9 MR. HANEY: I will just note for -- sorry, Kyle.
12:02:30 10 I will just note for the court reporter that I
12:02:31 11 objected to Mr. Batter's previous question.

12:02:39 12 BY MR. BATTER:

12:02:39 13 Q. So if it is not your typical practice to
12:02:42 14 delete documents, what is your typical practice?

12:02:46 15 MR. HANEY: Object to form.

12:02:49 16 THE WITNESS: The typical practice is to save
12:02:51 17 documents and to save my emails and communications
12:02:55 18 that I have.

12:02:58 19 MR. BATTER: No further questions.

12:03:02 20 MR. HANEY: All right. Thank you, Ms. Jue.

12:03:05 21 MR. BATTER: Thank you very much for your time
12:03:06 22 today, Ms. Jue.

12:03:08 23 I think we can go off the record.

12:03:10 24 Actually, before we go off the record, let's
12:03:11 25 stay on the record and just provisionally mark this

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1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF ORANGE)

4 I, LINDSAY ANNE STOKER, RDR, RMR, CRR, CRC,
5 and Certified Shorthand Reporter of the State of
6 California, does hereby certify:

7 That the foregoing deposition was taken
8 before me at the time and place therein set forth, at
9 which time the witness was duly sworn by me;

10 That the statements made on the record were
11 recorded stenographically by me and were thereafter
12 transcribed; said transcript being a true and correct
13 copy of the proceedings thereof;

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof;

17 Further, that if the foregoing pertains to the
18 original transcript of a deposition in a federal case,
19 before completion of the proceedings, review of the
20 transcript was not requested/offered on the record.

21 In witness whereof, I have subscribed my name,
22 this ____ day of ____, 2025.

23 
24

25 Lindsay A. Stoker, RDR, RMR, CRR, CRC

CA CSR No. 14373